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IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. 404

UNITED STATES OF AMERICA, *Appellant*,

v.

PABST BREWING COMPANY, ET AL., *Appellees*.

Appeal From the United States District Court for the Eastern District of Wisconsin

ON MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE BY BREWERS' ASSOCIATION OF AMERICA, AN ILLINOIS CORPORATION

BRIEF IN OPPOSITION OF DEFENDANTS SCHENLEY INDUSTRIES, INC. AND THE VAL CORPORATION

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PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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Schenley Industries, Inc. and The Val Corporation were made defendants in this suit only for purposes of relief (R. 28-9). Section 7 of the Clayton Act does not make the act of the seller a violation of the statute.

The Court below concluded that these defendants were not required to participate in the trial on the merits of the issue of violation (R. 29).

However, the Movant has served its Motion upon these defendants after they declined to consent to the filing of a brief *amicus curiae*. This brief is filed to record the opposition of these defendants to the Motion, for the same reasons which are set forth in the brief in opposition filed by the defendant Pabst Brewing Company.

Respectfully submitted,

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March 30, 1966